

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

TULIPS, LLC)	CASE NO. 5:24-cv-2231
)	
Plaintiff,)	JUDGE
)	
v.)	NOTICE OF REMOVAL
)	
AUTO-OWNERS MUTUAL INSURANCE)	
COMPANY)	
)	
Defendant.)	
)	

Pursuant to 28 U.S.C. §§1332, 1441, and 1446, Defendant Auto-Owners (Mutual) Insurance Company, through this Notice of Removal, hereby removes this action from the Portage County, Ohio Court of Common Pleas to the United States District for the Northern District of Ohio. The grounds for removal of this action are as follows:

Compliance with Statutory Requirements

1. On November 27, 2024 Plaintiff Tulips, LLC (“Plaintiff”) commenced this action by filing a Complaint in the Portage County, Ohio Court of Common Pleas styled *Tulips LLC v. Auto-Owners Mutual Insurance Company*, et al. Case No. 2024CV00920.

2. On or about December 9, 2024, Defendant received a copy of the Summons and Complaint (Exhibit A).

3. Pursuant to 28 U.S.C. 46(B), Defendant files this Notice of Removal within thirty (30) days of December 9, 2024, the date Defendant received a copy of the Summons and Complaint.

4. In accordance with 28 U.S.C. §1446(a), a true and accurate copy of the Complaint filed in the Portage County, Ohio Court of Common Pleas on November 27, 2024, together with the Summons (Exhibit A) are filed herewith. Defendant has not served or been served with any other process, pleadings or orders in this action.

5. Pursuant to 28 U.S.C. §1446(d), Defendant will promptly provide written notice of removal of action to Plaintiff and will promptly file a copy of this Notice of Removal with the Clerk of the Portage County, Ohio Court of Common Pleas.

Intra District Assignment

6. Plaintiff filed this case in Portage County, Ohio Court of Common Pleas. According to the Complaint, the real property that is the subject of the Complaint is located in Portage County, Ohio (Exhibit A, ¶1). Therefore, this case may properly be removed to the United States District Court for the Northern District of Ohio, 28 U.S.C. §1441(a).

7. Venue in this Court is proper under 28 U.S.C. §1391 because Portage County, Ohio is located with the Northern District of Ohio jurisdiction.

8. This Court has removal jurisdiction on diversity grounds because this is a civil action between citizens of different states and the amount in controversy exceeds \$75,000.00 exclusive of costs and interest. See 28 U.S.C. §1332(a) and §1441(b).

9. According to the Complaint, the amount in controversy is at least \$405,000.00. See ¶¶33 and 36.

10. According to the Complaint, Plaintiff is an owner of real property in the State of Ohio and pursuant to the records of the Ohio Secretary of State is an Ohio LLC (Exhibit A, ¶1).

11. Defendant Auto-Owners (Mutual) Insurance Company is an insurance carrier which is a citizen of the State of Michigan. (See also Exhibit A, ¶2 of Allegations of Plaintiff's Complaint).

12. Defendant's statement of disclosure of corporate affiliations and financial interest is being filed contemporaneously herewith.

13. In this filing of Notice of Removal, Defendant expressly reserves and does not waive any defenses or objections to Plaintiff's Complaint including but not limited to failure to state a claim upon which relief can be granted.

14. The removal is timely filed.

15. Defendant received notice of Plaintiff's Complaint on December 9, 2024. This Notice of Removal is being submitted for filing within thirty (30) days of that date.

WHEREFORE, for the foregoing reasons, Defendant respectfully request this case proceed in this Court as an action properly removed from the Portage County, Ohio Court of Common Pleas.

Respectfully submitted,

/s/ Brian T. Winchester

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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2024, I electronically filed the foregoing with the Clerk of Courts for the United States District Court, Northern District of Ohio by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

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